

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

In re:

Chapter 13

Alexander Christoph Lis

Case No. 9-15-bk-08096-FMD

Debtor

**TRUSTEE'S UNFAVORABLE RECOMMENDATION
AND OBJECTIONS TO CONFIRMATION OF THE PLAN**

TO: Clerk, United States Bankruptcy Court

1. The Debtor's Petition for Relief to Chapter 13 was filed on August 7, 2015.
2. Trustee's Recommendation to the Court. The Trustee cannot recommend confirmation of the Chapter 13 Plan at this time for the following reason(s):

3. It does not appear that the Debtor has dedicated all disposable income to the proposed Plan as required by 11 U.S.C. § 1325(b)(1)(B).

- a. The Trustee hereby requests/has requested the following additional to determine if the Debtor has dedicated all disposable income to the Plan:

2015 income tax returns
Profit and Loss statements for August 2015 through January 2016

- b. The Debtor must provide complete copies of all tax return(s) to the Trustee's office no later than April 15th of each year for the preceding year's taxes and all tax refunds must be committed to the plan for each year during the applicable plan period, beginning with the tax year 2015. The Debtor should not spend ANY tax refund without prior court approval because they may be required to turn over the refund to the Trustee in addition to regular plan payments.

4. The Plan violates 11 U.S.C. § 1325(a)(4) because it does not pay unsecured creditors the value of what they would receive in a case under Chapter 7.

- a. The Trustee hereby requests/has requested the following additional documents to determine if the Debtor has met the best interests of creditors test:

2015 income tax returns
valuation of vacant lots
statement of amount owed on vacant lots

- b. The Debtor has not listed the following property on:

Schedule B: partial bedroom set and value

5. An Amended Plan must be filed because:

a. The Plan fails to provide for the treatment of Lee County Tax Collector pursuant to 11 U.S.C. § 1325(a)(5) and/or 11 U.S.C. § 1322.

6. It appears that this case is a business case and the Chapter 13 Trustee's office has and may further investigate the Debtor's business.

/s/ Jon M. Waage
Jon M. Waage
Chapter 13 Standing Trustee
P.O. Box 25001
Bradenton, Florida 34206
Phone: (941) 747-4644
FAX: (941) 750-9266

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Unfavorable Recommendation and Objections to Confirmation of the Plan has been furnished electronically and/or by First Class US Mail to **Alexander Christoph Lis**, 5004 SW 26th Avenue, Cape Coral FL 33914 and **Kim Levy, Esquire**, 2110 Cleveland Avenue, Fort Myers, Florida 33901, and the **U.S. Trustee**, 501 East Polk Street, Suite 1200, Tampa, Florida 33602 on this 8th day of October, 2015.

/s/ Jon M. Waage

JMW/MEC/lp